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5 The Honorable John C. Coughenour
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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 SCOTT AND KATHRYN KASEBURG, ET
9 AL,

10 Plaintiffs,
11 vs.

12 PORT OF SEATTLE, a municipal corporation;
13 PUGET SOUND ENERGY, INC., a
Washington for profit corporation,
14 KING COUNTY, a home rule charter county,
and CENTRAL PUGET SOUND REGIONAL
15 TRANSIT AUTHORITY, a municipal
corporation,

16 Defendants.
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NO. 2:14-CV-000784-JCC

**Plaintiffs' Motion for Extension of Time
and Motion to file Over-Length Brief**

NOTE ON MOTION CALENDAR:
September 25, 2014

18 Pursuant to Local Civil Rule 7(d)(2)(A) and 7(f), Plaintiffs move this Court for an
19 extension of time to file Plaintiffs' Brief in Opposition to Defendant King County's Motion to
20 Dismiss relieving the deadline from September 29, 2014 and allowing a one week extension to a
21 deadline of October 6, 2014. Plaintiffs also move this Court for an Order granting approval for
22 Plaintiffs to file an over-length Brief in Opposition allowing an additional 10 pages. In support
23 of this Motion, Plaintiffs state the following:
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1 1. This case involves a former railroad corridor which was acquired by the
2 Defendants pursuant to the federal National Trail System Act, 16, U.S.C §1247(d) ("Trails Act").
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4 2. The United States government was held liable for a "taking" when a Notice of
5 Interim Trail Use was issued by the Surface and Transportation Board and the railroad and the
6 Defendants reached a trail use agreement. That taking is only relevant to this case in so far as
7 "what" was taken from the Plaintiffs and what the Defendants actually acquired pursuant to the
8 Trails Act.

9 3. Plaintiffs' counsel is well-versed on the Trails Act and in the past has successfully
10 litigated numerous Trails Act cases and is currently representing landowners in over 50 Trails
11 Act cases pending before the United States Court of Federal Claims and the Federal Circuit.

12 4. In its Motion to Dismiss, Defendant has misstated the law, misquoted relevant
13 law, quoted or cited cases out of context, misapplied applicable law, cited to case law that was
14 specifically overturned by the Washington Supreme Court and Defendant failed to cite to
15 binding Washington Supreme Court precedent.

16 5. In order to properly provide the inaccuracies in Defendant's Motion to Dismiss,
17 Plaintiffs need to accurately and thoroughly present the history of the Trails Act and cases in the
18 proper context to explain to this Court what exactly the Defendants acquired under the Trails Act
19 and what Plaintiffs still own subsequent to the Trails Act taking that occurred prior to this case.

20 6. Plaintiffs respectfully request a one week extension to file its Brief in Opposition
21 and an additional 10 pages for their Brief in Opposition.

22 7. Plaintiffs conferred with Defendants on an extension of time and no opposition
23 was expressed.
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Date: September 25, 2014.

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17 **ATTORNEYS FOR PLAINTIFFS**

18 **CERTIFICATE OF SERVICE**

19 I hereby certify that on the 25th day of September 2014, the foregoing was filed
20 electronically with the Clerk of the Court to be served by the operation of the Court's electronic
21 filing system upon all parties of record.

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15 _____ /s/ *Elizabeth McCulley* _____